



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,613	04/26/2000	Robert Thomas Calabrese	Calabrese 10-3-7-16	9462

7590 10/19/2005

Fay Sharpe Fagan Minnich & McKee LLP
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,613

Applicant(s)

CALABRESE ET AL.

Examiner

Rasha S. AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 10-11, 13-17, 22-23, 25-26, 28, 33-34, 36-40, 45-46, 48-51 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Beeson, Jr. et al. (US PAT # 5,396,543).

Regarding claim 1, Beeson teaches a method for maintaining call control at a gateway mobile switching center (reads on MSC 110, see col. 4, lines 32-33 and Fig. 1) for a roaming (see col. 19, lines 22-24) mobile unit (reads on 120, Fig. 1) utilizing a packet network for bearer traffic transport, the method comprising: (a) receiving an incoming call leg (reads on incoming call 2202 as shown in Fig. 22) at the gateway mobile switching center (see Fig. 22) for the roaming mobile unit; (b) determining a data link connection identifier for a protocol handler for voice at the gateway mobile switching center (see col. 8, lines 26-30); (c) providing the data link connection identifier to a serving mobile switching center and to a base station (see col. 8, lines 14-20), and obtaining from the serving mobile switching center a packet address of the base station for communication with the roaming mobile unit to create a packet link between the gateway mobile switching center and the base station (see col. 19, lines 7-18); (d) providing an alert to the roaming mobile unit (see col. 15, lines 57-62 and "alerting" in

Fig. 13); and (e) when an answer has been received from the roaming mobile unit (reads on the mobile unit acknowledgement message 1314, see col. 15, lines 67-68 and col. 16, lines 1-2, Fig. 13), providing a connection between the roaming mobile unit and the incoming call leg utilizing the packet link between the gateway mobile switching center and the base station (see Fig. 13 and col. 16, line 2).

Claims 11, 23, 34 and 46 are rejected for the same reasons as discussed above with respect to claim 1. The claimed "servicing mobile switching center" reads on MSC 110 (see Fig. 1). The claimed "base station" reads on base station 112 as shown in Fig. 1. The claimed "network interface" as recited in claim 46 is inherent.

Claims 3, 13, 25, 36 and 48 recite "transmitting a routing request invoke containing the data link connection identifier from the gateway mobile switching center to the serving mobile switching center; and receiving at the gateway mobile switching center a routing request return result containing the base station packet address from the serving mobile switching center". See Beeson col. 21, lines 26-39 and Fig. 26.

Regarding claim 4 limitations, see Beeson col. 20, lines 5-37 and col. 14, lines 47-58.

Regarding claims 5 and 17, see Beeson col. 8, lines 14-30.

Regarding claims 10, 22, 33, 45 and 56, Beeson teaches storing a visitor location register record (see col. see col. 4, lines 15-19).

Claims 14-16, 27, 37, 39, 49-51, and 53-55 are rejected for the same reasons as discussed above with respect to claims 3-5.

Regarding claims 26 and 38, Beeson teaches a stand-alone home location register (102 as shown in Fig. 1) coupled to the gateway mobile switching center (110 as shown in Fig. 1).

Regarding claims 28 and 40, see col. 2, lines 40-45.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2642

4. Claims 2, 6-9, 12, 18-21, 24, 29-32, 35, 41-44, 47, 52-55 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson, Jr. et al.

Claims 2, 12, 24, 35 and 47 recite " the data link connection identifier is included as a parameter within an ANSI-41 compatible message".

Beeson does not specifically teach the use of ANSI-41 compatible message.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a standard such as ANSI-41 that describes the communication protocol between the roaming mobile switching unit, the base station and the gateway mobile switching center. Also, the use of ANSI-41 protocol is obvious at least in the mobile communications system.

Claims 6, 18, 29, 41 and 52 recite the use of an ATM protocol. Beeson teaches the use of different types of protocol such as SS7 protocol (see col. 2, lines 59-64). Thus, it would have been obvious to use any kind of protocol such an ATM protocol as recites in claim 6 when desired. Examiner takes official notice that the use of an ATM protocol is old and well known in the art.

Claims 7-9, 19-21, 30-32, 42-44 and 53-55 are rejected for the same reasons as discussed above with respect to claim 6.

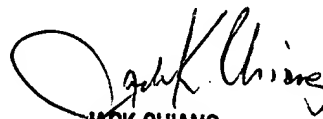
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Rasha S. Al-Aubaidi
Art Unit 2642
10/11/2005


JACK CHIANG
PRIMARY EXAMINER